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OCT 16 2006

Application Number: 10/534,352  
Office Action Dated: July 14, 2006  
Response Dated: October 16, 2006

## REMARKS

Election of Species

The Examiner alleges that the instant application contains claims directed to one or more species of the generic invention and that these species lack unity of invention because they are not so linked as to form a single general concept under PCT rule 13.1. More specifically, the Examiner alleges that the species are as follows:

Species 1 as shown in Figures 1 to 4 and as defined in claims 4 to 6, 15 and 16.

Species 2 as shown in Figures 5 to 6 and as defined in claims 7 and 8.

Species 3 as shown in Figures 7 to 8 and as defined in claim 9.

Species 4 as shown in Figure 11 and as defined in claims 10 to 14.

The Examiner has therefore required that the Applicant elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable.

The Examiner further alleges that claims 1 to 3 are generic but that the common shared technical feature in the instant application namely the illuminated indicia is not inventive. The Examiner alleges that United States Patent Number 5,398,170 teaches that it is old and well known to use indicia with an illuminating source in order to expose edges of the indicia and create a bright optical display.

In response to the above, the Applicant has elected to proceed with Species 1 without traverse. The Applicant has therefore withdrawn claims 7 to 14 and 17 without prejudice.

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Amendments to the Claims

With respect to the generic claims the Applicant has cancelled claims 1 to 3 in favour of new claims 21 to 23 respectively.

The Applicant has also added new claim 25. New claim 25 defines a light emitting element for creating illuminating indicium according to new claim 21 wherein the light emitting element includes a light stimulating agent selected from the group consisting of fluorescent pigments, phosphorescent pigments and ultraviolet pigments. New claim 26 defines a light emitting element for creating illuminated indicium according to claim 21 wherein the indicium is a letter or a numeral. The Applicant therefore submits that new claim 25 and 26 are generic claims.

With respect to the claims defining Species 1, namely claims 4 to 6, 15 and 16, the Applicant has also cancelled claims 4, 15 and 16 in favour of new claims 18, 19 and 24 respectively, and the Applicant has amended claims 5, 6 and 15 to ensure proper claim dependencies.

The Applicant has further added new claim 20. New claim 20 is defines the device for creating an illuminating indicia according to claim 18 wherein the light emitting includes a light stimulating agent selected from the group consisting of fluorescent pigments, phosphorescent pigments and ultraviolet pigments. The Applicant therefore submits that new claim 20 is readable on Species 1.

Claims 5, 6, 15, 18 to 26 remain in the application.

Amendments to the Specification

In the specification, the Applicant has amended paragraph [0035] of the instant application to recite the language of new claims 18 and 21.

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In particular, the Applicant has amended paragraph [0035] to recite:

"The device comprises a light source 3 and light emitting members in the form of indicia 4."

The Applicant submits the specification clearly discloses and drawings clearly show that the indicia (4) are light emitting members. The Examiner's attention is drawn to page 6, lines 11 to 13, of the instant application where it is stated that "...the indicia is formed from a flat sheet 15 it can be of virtually any shape provided the light can be absorbed and transmitted in a straight line to the exposed edge 18...". Flat sheet 15 is clearly shown in Figure 3 and flat sheet 15 is a light emitting member.

The Applicant has also amended paragraph [0035] to recite:

"...a second transparent section (display section) 17 that has an exposed remote edge..."

The Applicant submits that the specification clearly discloses that the second section of the indicia, or light emitting member, is transparent at page 13 and 14 of the instant application, and in particular on page 14, lines 1 and 2, where it is stated that "...the two pieces have the same saturation in color and transparency."

The Applicant has further amended paragraph [0035] to recite:

"The embodiment also includes means to direct or focus the light from light source 3 on the first section 16 of the indicia..."

The Applicant submits that the specification clearly discloses that light may be directed on the first section of the indicia at page 9, lines 9 and 10, of the instant application where it is stated "Panels 73

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and 74 are arranged at 45° angle from the front of panel 66 to direct light entering the chamber to indicia 64.”

The Applicant has still further amended paragraph [0035] to recite:

“...the first section 16 receives or absorbs light from light source 3...”

The Applicant submits that based on the specification it is clear to a person skilled in the art that the first section receives light.

Finally, the Applicant has made a few formal amendments to paragraph [0035].

In view of the above, the Applicant submits that no new subject matter has been added to the application.

#### Discussion Regarding Patentability

The Examiner alleges that illuminated indicia are known in the art and therefore are not inventive. The Examiner cites United States Patent Number 5,398, 170 to Lee in this regard. In response to this allegation the Applicant has cancelled generic claims 1 to 3 in favour of new claims 21 to 23. New claims 21 to 23 are directed to a light emitting member for creating an illuminating indicium wherein the light emitting member is composed of fluorescent material and has a first section and a transparent second section. The transparent second section has an exposed remote edge capable of emitting light and the second section has a cross-section generally in the form of the indicium. Claim 26 specifies that the indicium is a letter or a numeral.

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Nowhere does Lee teach or even suggest providing an illuminated indicium using a light emitting member having a section with cross-section generally in the form of the indicium. Rather Lee teaches using a plurality of light emitting elements (106) inserted into apertures (111) of an outer surface (134) of a front panel member (110) to generate a picture, design or other sign. Please see column 5, line 66, to column 6, line 6, of the Lee reference in this regard. The Applicant's invention therefore has the patentable advantage of providing light emitting elements in the form of desired indicium. This allows for quicker and easier installation of signs and the like.

The Applicant's invention also has the further advantage of providing means to display indicia with a distinctive aesthetic. In the Applicant's invention the indicia are formed from light emitting members in the form of letters or numerals. This allows the exposed remote edges to extend away from a chamber, or the like, which holds the light emitting members. Please see amended claim 5 in this regard. Since the second section, which is adjacent the exposed remote edge, is transparent and may also extend from the panel, when the exposed remote edge emits light to provide the illuminated indicia, the indicia appears to be floating.

For example, in the embodiment of Species 1 as shown in Figure, The second section (17) and exposed remote edge (18) extend away from the panel (16). When the exposed remote edge (18) emits light to provide the indicia (4), the second section (17) remains transparent. This results in indicia that appear to be floating. Another feature of the invention allows for fluorescent pigments to be provided in the second section (17) and the exposed remote edge (18) to create a halo effect. Please see page 6, lines 1 to 27, of the instant application in this regard.

Furthermore, Lee does not teach or even suggest using natural or environment light to create constant (passive) illumination. A main objective of the instant invention is to provide self-luminous indicia, in addition to its aesthetic feature it has no need for wiring, no need for consumption of any energy or it may use renewable energy. For example, natural light may be used. Please see page 8, lines 8 to 21

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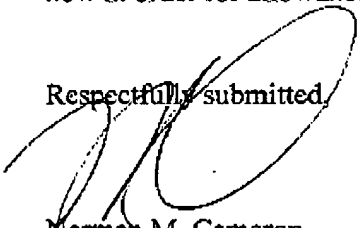
of the instant application in this regard.

The Applicant's invention therefore provides both a new and improved light emitting member for creating illuminating indicium a new and improved device for creating illuminated indicia.

Conclusion

In light of the above-mentioned corrections, the applicant respectfully submits that this application is now in order for allowance.

Respectfully submitted,

  
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